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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/757,473	01/15/2004	Bettina Moeckel	247245US0XCONT

22850
 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
 1940 DUKE STREET
 ALEXANDRIA, VA 22314

CONFIRMATION NO. 4146

FORMALITIES LETTER



OC000000012455323

Date Mailed: 04/27/2004



**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
 CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE
 DISCLOSURES**

Filing Date Granted

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

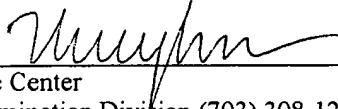
For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
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*A copy of this notice **MUST** be returned with the reply.*

A handwritten signature in dark ink, appearing to read "Muyden", is written over a horizontal line.

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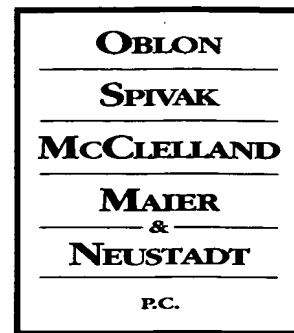
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Docket No.: 247245US0X CONT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 10/757,473
Applicants: Bettina MOECKEL, et al.
Filing Date: January 15, 2004
For: NUCLEOTIDE SEQUENCES WHICH CODE FOR
THE rpoB GENE
Group Art Unit:
Examiner:

SIR:

Attached hereto for filing are the following papers:

Notice to Comply (Return Copy); Response to Notice to Comply

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Norman F. Oblon

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DOCKET NO: 247245US0X CONT



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
BETTINA MOECKEL, ET AL. : EXAMINER:
SERIAL NO: 10/757,473 :
FILED: JANUARY 15, 2004 : GROUP ART UNIT:
FOR: NUCLEOTIDE SEQUENCES :
WHICH CODE FOR THE RPOB GENE :

RESPONSE TO NOTICE TO COMPLY

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Notice to Comply, dated April 27, 2004, the Applicants respectfully point out that the Preliminary Amendment filed January 15, 2004 already provides the necessary statement and request to enter the CRF of the parent application as the CRF for this continuation application. However, for the convenience of the Office, the Applicants reiterate this statement below.

The paper copy of the Sequence Listing already of record for this application is identical to the paper copy and the computer readable Sequence Listing filed on June 25, 2001 in the present application's parent: U.S. Application No. 09/887,052. Thus, no new matter has been added.

In accordance with 37 CFR § 1.821 (e), please use the computer readable form (CRF) filed on June 25, 2001 in the parent application as the computer readable form for the present application. It is understood that the Patent and Trademark Office will make the necessary

Application No. 10/757,473
Reply to Office Action of April 27, 2004

change in application number and filing date for the instant application. The Applicants respectfully request an early examination on the merits.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



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